

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: David Quigley, ACIP, Planning and Zoning Manager/ (954) 797-1101

PREPARED BY: Carlo F. Galluccio III, Planner I

SUBJECT: Quasi Judicial Hearing, Variance Application: V 9-2-08/08-119/ Keller/12446 SW 9th Place (Arboretum at Davie) /Generally located on the south side of 9th Place, west of 124th Terrace

AFFECTED DISTRICT: District 3

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: VARIANCE - V 9-2-08, Keller, 12446 SW 9 Place (R-5) (to reduce a 10 foot side yard setback to 5 feet) (tabled from December 17, 2008) Planning and Zoning Board recommended approval

REPORT IN BRIEF: The petitioner (Charles Keller) requests a variance from the Land Development Code, Section 12-33 (A)(6)(a), Accessory Uses and Structures, Screened Enclosed Patios in all residential districts, screen enclosed patios shall not be placed in a required side yard; and Section 12-81A, Conventional Single-Family Development Standards for the R-5, Low Medium Dwelling District to reduce the side setbacks FROM: Ten (10) feet (required side yard), TO: Five (5) feet (provided side yard).

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

PREVIOUS ACTIONS: At the December 17, 2008 meeting, Council tabled this item January 7, 2009.

CONCURRENCES: Mr. Busey made a motion, seconded by Mr. DeArmas, to approve. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – absent; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – yes. **(Motion carried 4-0)**

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Planning Report

Application: V 9-2-08/08-119/Keller (Arboretum at Davie)

Original Report Date: 10/17/08

Revision(s):

Owner / Petitioner

Name: Charles Keller

Address: 12446 SW 9th Place

City: Davie, Florida 33325

Phone: (954) 410-1770

Background Information

Date of Notification: November 03, 2008

Number of

Notifications: 179

Petitioner's Request: Variance from the Land Development Code, Section 12-33 (A)(6)(a), Accessory Uses and Structures, Screened Enclosed Patios in all residential districts, screen enclosed patios shall not be placed in a required side yard; and Section 12-81A, Conventional Single-Family Development Standards for the R-5, Low Medium Dwelling District to reduce the side setbacks **FROM:** Ten (10) feet (*required side yard*), **TO:** Five (5) feet (*provided side yard*).

Address: 12446 SW 9th Place

Location: Generally located on the south side of 9th Place, west of 124th Terrace

Future Land

Use Plan Map: Residential 5 DU/AC

Existing Zoning(s): R-5, Low Medium Density Dwelling District

Existing Use(s): Single-Family Home

Parcel Size: 8,400 square feet

Proposed Use(s): A screen enclosure over an existing pool deck/patio

Surrounding Land

Use Plan Designation:

North: Single-Family Home

Residential 5 DU/AC

South: Single-Family Home

Residential 3 DU/AC

East:	Single-Family Home	Residential 5	DU/AC
West:	Single-Family Home	Residential 5	DU/AC

Surrounding Zoning:

North: R-5, Low Medium Density Dwelling District
South: PRD, Planned Residential Development
East: R-5, Low Medium Density Dwelling District
West: R-5, Low Medium Density Dwelling District

Zoning History

Related Zoning History:

Annexation Agreement (92-265, Di Biase Properties, Inc, (Arboretum) on November 18, 1992, the Town of Davie Town Council approved Annexation, which was later recorded in Broward County Records, PB 147 Pg 22, known as “Arboretum at Davie”.

Broward County Zoned said parcel “Arboretum” RS-5(Ordinance No. 89-12(z)) on September 12, 1989.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-305), Rezoning, Special Permits, Variances, and Vacations or Abandonment’s of Rights-of-Way. The purpose of this division is to guide the processing and granting of rezoning, special permits, variances and vacations or abandonment’s of rights-of-way in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner, which protects the public health, safety, and welfare.

Land Development Code (Section 12-81A.),Conventional Single-Family Development Standards R-5, Low Medium Density Dwelling District: Minimum lot size 7,000 square feet, Minimum lot frontage 100 feet, Minimum Yards: Front 75 feet, Side 10 feet, Rear 15 feet, Maximum Height: 35 feet, Minimum DU Floor Area: 1000 square feet and building coverage 40 percent.

Land Development Code (Section 12-33 (7)(a)(b)(c), Accessory Uses and Structures, pool in all residential districts, except PRD and PURD districts: Unenclosed pools maybe place in the required rear yard by no more than 50 percent of the yard and shall maintain a minimum of 10 feet from the pool edge to the rear property line.

Comprehensive Plan Considerations

Planning Area: Planning Area 3 is bound by I-595 on the north side, I-75 on the west side, SW 14 Street on the south side and Flamingo Road on the east side. The planning area consists of residential uses developed at a density of 3 to 10 dwellings per acre, including the Shenandoah development, occupying the western half of the planning area, and several mobile home subdivisions.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives, & Policies: *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Mr. Busey made a motion, seconded by Mr. DeArmas, to approve. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – absent; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – yes. **(Motion carried 4-0)**

Exhibits

File Location: P&Z\Development Applications\Applications\V_Variance\V_08\V 9-2-08Keller

Exhibit 1 (Justification Letter/Documentation)

September 8, 2008

Charles Keller
12446 SW 9th Place
Davie, FL 33325

Town of Davie:

My request is to build a pool screen enclosure around my existing pool and deck originally constructed by the previous homeowners in 1994. It is my intent to construct the pool screen enclosure in line with the existing pool and deck. The pool and deck were inspected and approved by the Town of Davie based on the side setback requirements applicable at the time of construction (application number 94 00000380). I am requesting a variance of 5' from the required 10' setback from the side property line to accommodate a pool screen enclosure.

The need for the variance was created by our desire for a screen enclosure when my wife and I originally purchased the home in 2003 but most importantly discovering that our child has an allergic reaction to insect bites. We feel that the screen enclosure will improve our quality of life while enjoying our pool not having to worry about our child getting an insect bite.

Land Development Code - Section 12-309

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought; which circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district; and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the application of the reasonable use of such land or building for which the variances are sought; and that alleged hardship is not self-created by any person having an interest in the property;

It is my intent to construct the pool screen enclosure in line with the existing pool and deck. The pool and deck were approved by the Town of Davie based on the side setback requirements applicable at the time of construction of the pool and deck in 1994.

- (b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

The variance request is the minimum needed to accomplish the proposed pool screen enclosure.

- (c) Granting of the requested variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Allowing the side setback to be reduced from 10' to 5' in order to construct a pool screen enclosure may not be detrimental to the adjacent properties being that the proposed screen enclosure will be constructed at the same dimension and placement as the current pool and deck which has been in place since 1994.

Exhibit 3 (Mail-out Map)

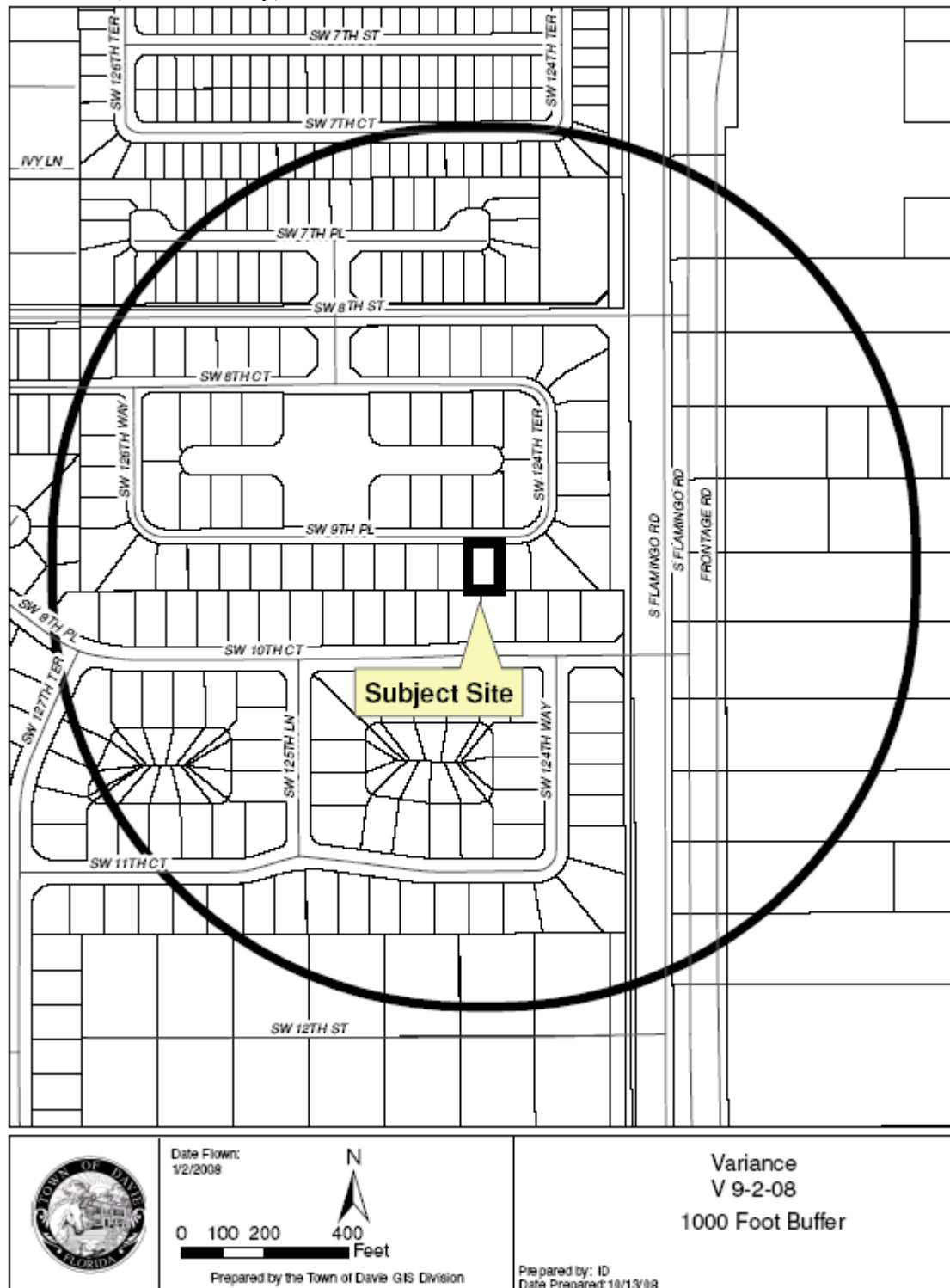


Exhibit 4 (Mail-out)

V 9-2-08
Current Occupant
12520 7 Pl
Davie, FL 33325

V 9-2-08
Current Occupant
12530 7 Pl
Davie, FL 33325

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Davie, FL 33325

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Davie, FL 33325

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12610 7 Pl
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12555 7 Pl
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Current Occupant
12545 7 Pl
Davie, FL 33325

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12490 7 Pl
Davie, FL 33325

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12683 8 Ct
Davie, FL 33325

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841 126 Way
Davie, FL 33325

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881 126 Way
Davie, FL 33325

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901 126 Way
Davie, FL 33325

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941 126 Way
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981 126 Way
Davie, FL 33325

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Davie, FL 33325
HILLSBORO #503

PO BOX 267
GAITHERSBURG

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Current Occupant
820 S Flamingo Rd
Davie, FL 33325

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Current Occupant
830 S Flamingo Rd
Davie, FL 33325

V 9-2-08
Current Occupant
910 S Flamingo Rd
Davie, FL 33325

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950 S Flamingo Rd
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990 S Flamingo Rd
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1000 S Flamingo Rd
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1110 S Flamingo Rd
Davie, FL 33325

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Current Occupant
1000 SW 127 Ter
Davie, FL 33325

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Current Occupant
12541 SW 11 Ct
Davie, FL 33325

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12521 SW 11 Ct
Davie, FL 33325

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1041 SW 125 Ln
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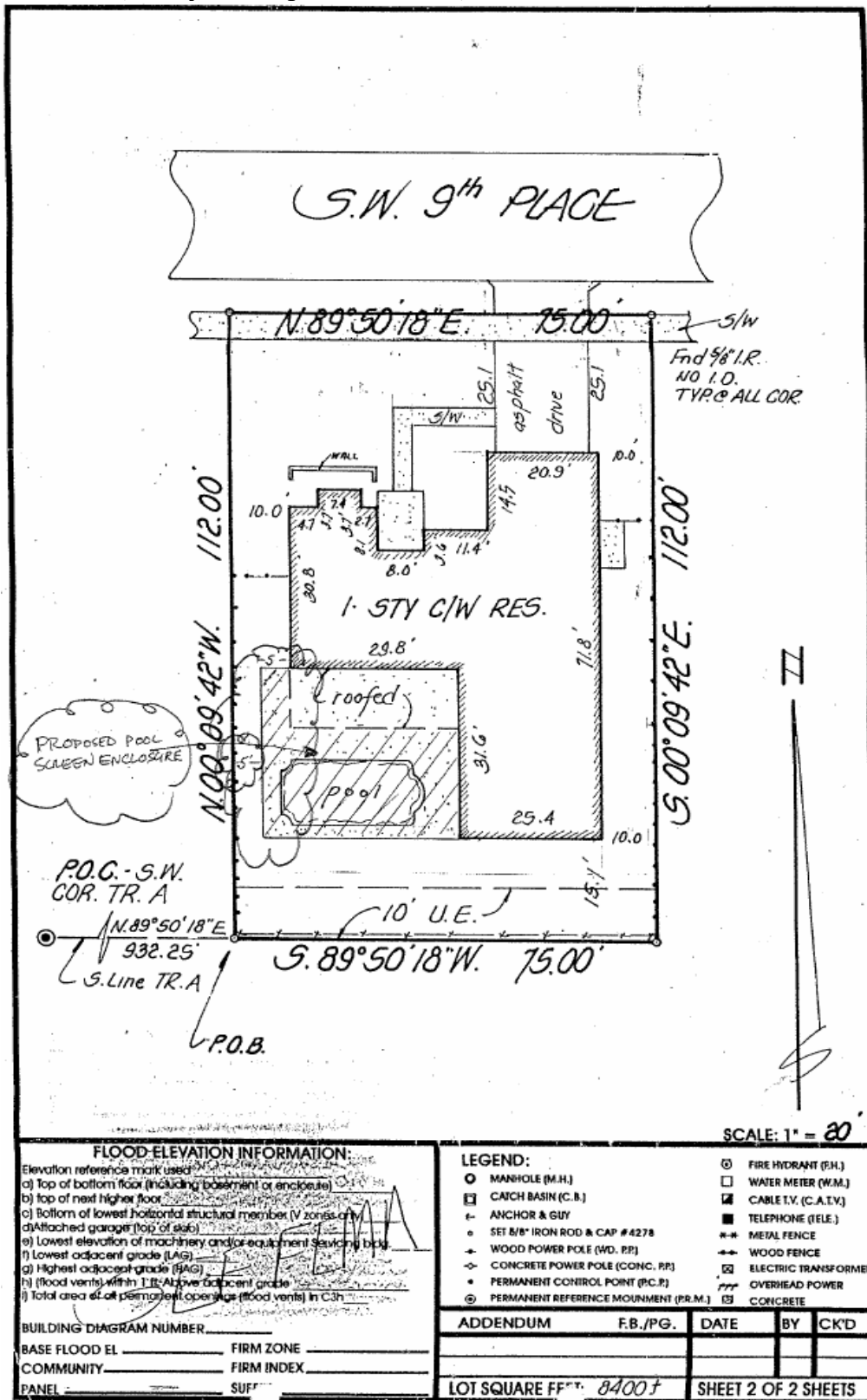
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Current Occupant
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Davie, FL 33325

V 9-2-08
Current Occupant
12530 SW 10 Ct
Davie, FL 33325

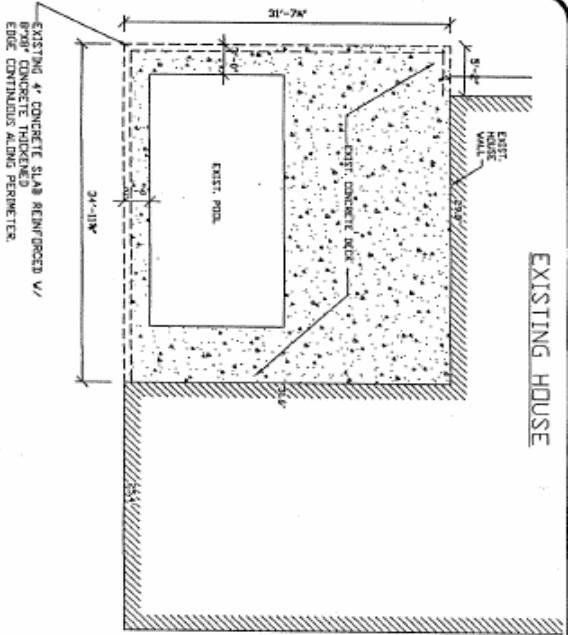
V 9-2-08
Current Occupant
12540 SW 10 Ct
Davie, FL 33325

V 9-2-08
Current Occupant
12600 SW 10 Ct
Davie, FL 33325

Exhibit 5 (Survey/ Conceptual Site Plan)



EXISTING HOUSE

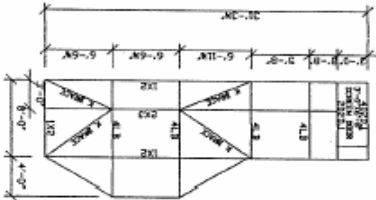


FOUNDATION PLAN

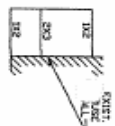
EXCEPTING TO NATIONAL ANALYSIS, THIS FOUNDATION PLAN IS BASED ON THE ASSUMPTIONS AND FACTORS LISTED ON THE ATTACHED STANDARD PLAN SHEET (DRAWING NO. 1) AND LATERAL LOADS IMPOSED BY SCREEN ENCLOSURE.

THESE PLANS CONFORM TO THE FBC 2004 ED. & ASCE 7-02 DESIGN BASED ON 140 MPH WINDS, EXPOSURE C

LEFT ELEVATION

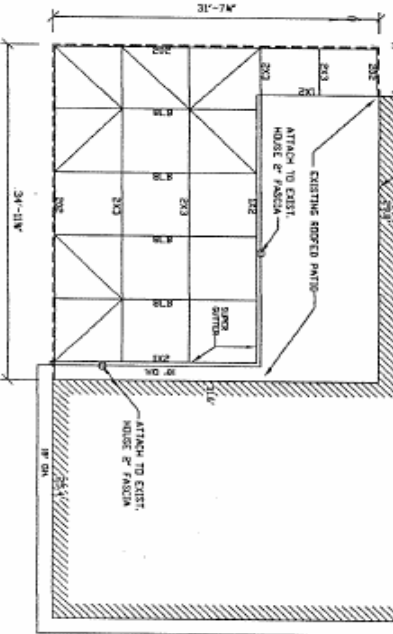


REAR ELEVATION



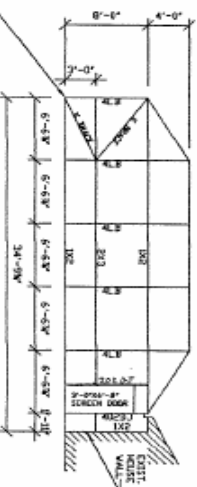
EXISTING HOUSE

PLAN



EXISTING 4" CONCRETE SLAB REINFORCED W/ 8x8 CONCRETE THICKENED EDGE CONTINUOUS ALONG PERIMETER.

FRONT ELEVATION



ENGINEERING BUSINESS CA 00008677

CLIENT NAME AND ADDRESS
KELLER
12446 S.W. 9 PLACE
DAVIE, FL.

FOOTER
FRI Aluminum Products, Inc.
990 N.W. 135th Terrace
Fort Lauderdale, Florida 33311

TARNOWSKI ENGINEERING, INC.
2540 NW 5th Street
Plantation, FL 33317
Phone (954) 377-2887 Fax (954) 377-9444

DATE: 8/10/08
SCALE: 3/8"=1'-0"
DRAWN BY: KAV
SHEET NO. 1 OF 1

SEAL
C.T. "GUS" TARNOWSKI
L.C. NO. 50867

Exhibit 6 (Future Land Use Map)

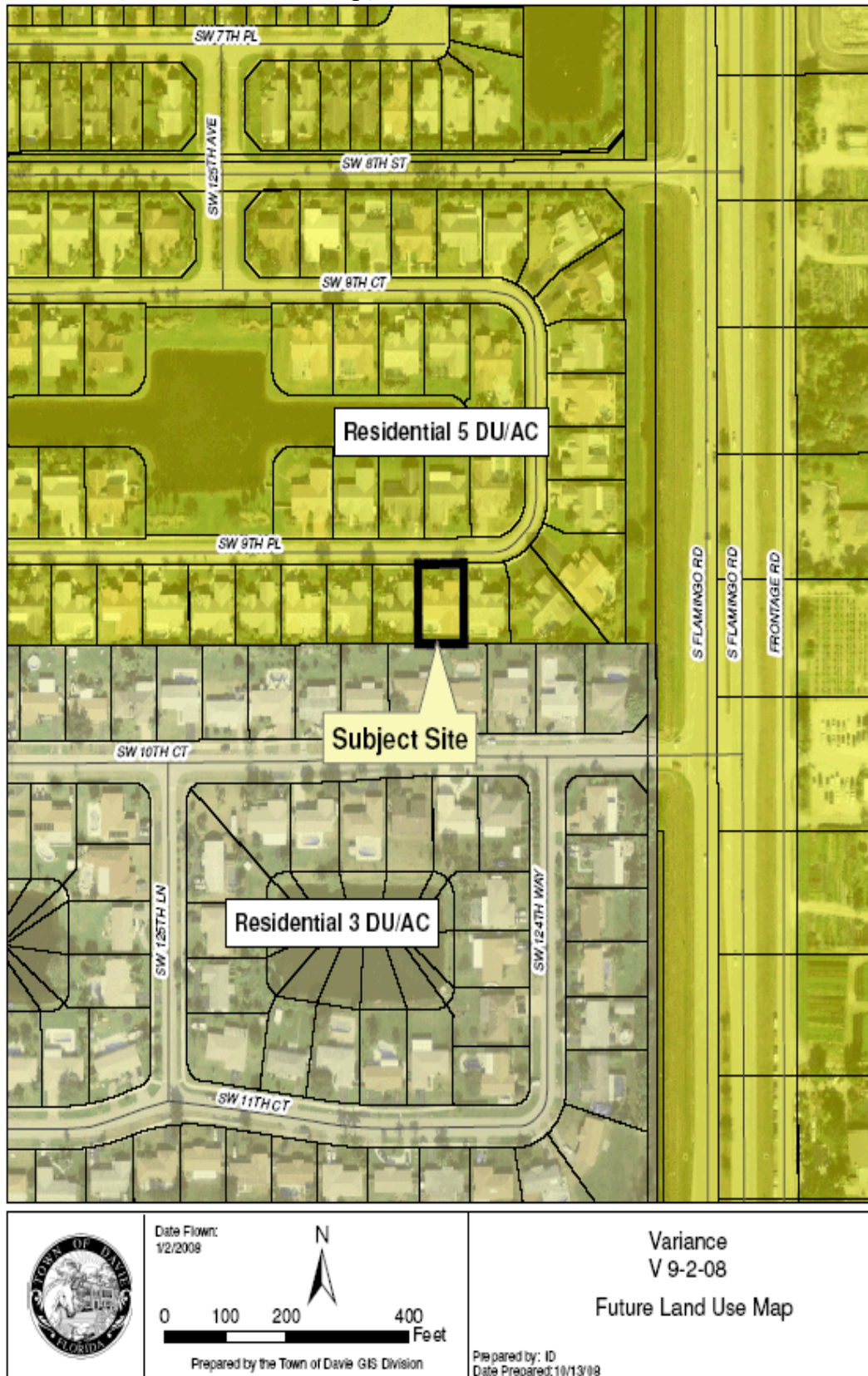
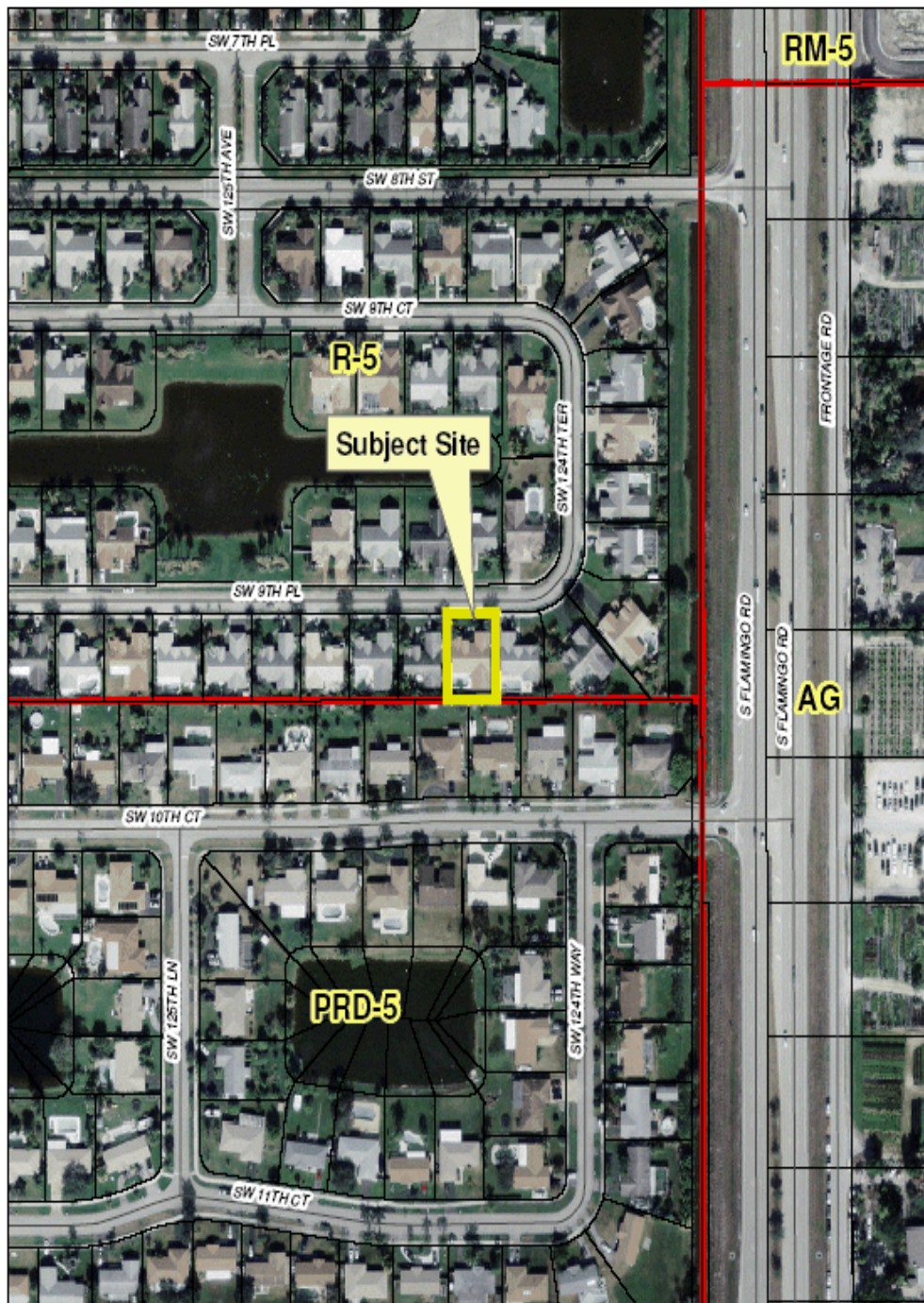




Exhibit 7 (Zoning Map)



	Date Flown: 1/2/2009	 0 100 200 400 Feet	Variance V 9-2-08
	Prepared by the Town of Davie GIS Division		Zoning and Aerial Map
			Prepared by: ID Date Prepared: 10/13/09